

## **COMMISSION ON POLICE PRACTICES AGENDA**

**April 25, 2023, at 4:00 p.m.**

**REGULAR MEETING (Hybrid)**  
**Casa Del Prado (Majorca -Room 101)**  
**1800 El Prado – Balboa Park**

**Commissioners:** Doug Case (Acting Chair), Kevin Herington (2<sup>nd</sup> Vice Chair), Maxine Clark, Andrea Dauber-Griffin, Diana Dent, Steve Hsieh, Chris Pink, Ernestine Smith, Nancy Vaughn, and Brandon Hilpert (LOA)

**Interim Executive Director:** Sharmaine Moseley

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

Effective March 1, 2023, the Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings.

In lieu of in-person attendance, members of the public may also participate via telephone/Zoom. Please see instructions below to provide public comment.

**The link to join the webinar by computer, tablet, or smartphone is:**

<https://sandiego.zoomgov.com/j/1609119726>

**or**

**Phone: 1 669 254 5252 or 833 568 8864 (Toll Free)**

**Meeting ID: 160 911 9726**

**In-Person Public Comment on an Agenda Item:** If you wish to address the Commission on an item on today's agenda, please complete and submit a speaker form before the Commission hears the agenda item. You will be called at the time the item is heard.

**In-Person Public Comment on Matters Not on the Agenda:** You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker form. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people

wish to speak on the same item, comments may be limited to a set period of time per item.

**Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda:** When the Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the “Raise Your Hand” button on your computer, tablet, or Smartphone, or by dialing \*9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial \*6 on your phone.

**Written Comment through Webform:** Comment on agenda items and non-agenda public comment may be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. On the [webform](#), members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click [here](#).

Comments received no later than 11am the day of the meeting will be distributed to the Commission on Police Practices and posted online with the meeting materials. Comments received after the deadlines described above but before the item is called will be submitted into the written record for the relevant item. Please contact the Privacy Advisory Board website for further instructions.

**Written Materials:** Instead of submitting written materials as an attachment to the webform, you may submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 1200 Third Avenue, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

If you attach any documents to your comment, it will be distributed to the Commission or Committee in accordance with the deadlines described above.

- I. CALL TO ORDER/WELCOME (Acting Chair Doug Case)
- II. ROLL CALL (Interim Executive Director Sharmaine Moseley)
- III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP)
- IV. PUBLIC COMMENT: Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
- V. APPROVAL OF REGULAR MEETING MINUTES FROM MARCH 28, 2023
- VI. UNFINISHED BUSINESS (DISCUSSION/ACTION) - None
- VII. NEW BUSINESS (DISCUSSION/ACTION) - None

- VIII. SAN DIEGO POLICE DEPARTMENT REPORT (EA Chief Chris McGrath)
  - A. Status Updates on SDPD Written Response to CPP Recommendations
    - 1. CPP Cabinet Meeting with SDPD Training Captain Regarding Use of Force & Show of Force Reporting
    - 2. CPP Recommendation Memo Dated 8.29.2022 – Reconsideration of CPP recommendations regarding SDPD policies, procedures, & discipline matrix & manual
    - 3. CPP Recommendation Memo Dated 10.26.2022 –Complaints that involve K9 bites
    - 4. CPP Recommendation Memo Dated 12.30.2022 – Update discipline manual to indicate that discipline memos are not optional & must be completed within 10 days of receipt of a sustained finding and require that when discipline is outside the discipline matrix, Command include a detailed written explanation describing what and why the decision was made to deviate from the matrix.
    - 5. Categorization of “Untruthfulness” Memo Dated 3.28.2023
  - B. Updates (Staffing in IA, Training, etc.)
- IX. COMMUNITY ENGAGEMENT COORDINATOR’S REPORT (CEC Yasmeen Obeid)
  - A. Updates
    - 1. Community Meetings
    - 2. Newsletter
    - 3. Strategic Plan
    - 4. CPP Interns
- X. CHAIR’S REPORT (Acting Chair Doug Case)
  - A. Reminders for Commissioners
    - 1. 4<sup>th</sup> Quarter (April 1<sup>st</sup> – June 30<sup>th</sup>) Volunteer Hours Report -All Commissioners log hours in for reporting purposes
    - 2. Status of Appointment of New Commissioners
    - 3. Commission Staffing & Legal Counsel Update
    - 4. Office Space Update
  - B. Other Items/Reminders
- XI. EXECUTIVE DIRECTOR’S REPORT (Interim ED Sharmaine Moseley)
  - A. Caseload Update & Status of Case Reports
  - B. Planning for CPP Former Member Appreciation/Acknowledgements – On Hold
  - C. Budget Update -FY24 Council Budget Review Hearings (May 3<sup>rd</sup> – May 9<sup>th</sup>)
  - D. Other Items/Reminders
- XII. COMMISSIONER ANNOUNCEMENTS/COMMENTS
- XIII. CLOSED SESSION (Not Open to the Public)
  - A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5–832.8 and Evidence Code Section 1040. Reportable actions for the

Closed Session items on the agenda will be posted on the Commission's website at [www.sandiego.gov/cpp](http://www.sandiego.gov/cpp) and when the Commission reconvenes this meeting as listed on this agenda.

- I. San Diego Police Department Feedback on Case Specific Matters
- II. Shooting Review Board Reports (2)
- III. Category II Case Audit Reports (0)
- IV. Discipline Reports (14)
- V. Case Review Team Reports (5)
- VI. Case-Specific Recommendations to the Mayor/Chief (0)
- VII. Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0)
- VIII. Legal Opinion(s) Request & Response (0)

XIV. REPORT OUT FROM CLOSED SESSION

- XV. NON-AGENDA PUBLIC COMMENT: Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.

XVI. ADJOURNMENT

**Materials Provided:**

- Minutes from Regular Meeting on March 28, 2023 (DRAFT)

**Access for People with Disabilities:** As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or [commissionpolicepractices@sandiego.gov](mailto:commissionpolicepractices@sandiego.gov).

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. The city is committed to resolving accessibility requests swiftly in order to maximize accessibility.

## COMMISSION ON POLICE PRACTICES

**REGULAR MEETING MINUTES**  
**Tuesday, March 28, 2023, at 5:00pm**  
**Casa Del Prado (Majorca -Room 101)**  
**1800 El Prado – Balboa Park**  
**& Via ZOOM Webinar**

Click <https://youtu.be/2rtiTuGRb2M> to view this meeting on YouTube.

**Commissioners Present:**

Doug Case, Acting Chair  
Maxine Clark  
Andrea Dauber-Griffin  
Diana Dent

Steve Hsieh (arrived at 6:00pm)  
Ernestine Smith  
Nancy Vaughn

**Absent/Excused:**

Brandon Hilpert, Chair (LOA)  
Kevin Herington, 2nd Vice Chair  
Chris Pink

**Staff Present:**

Sharmaine Moseley, Interim Executive Director  
Duane Bennett, CPP Outside Counsel  
Yasmeen Obeid, Community Engagement Coordinator  
Alina Conde, Executive Assistant

**San Diego Police Department (SDPD) Staff Present:**

Executive Assistant Chief Chris McGrath  
IA Captain Anthony Dupree  
Lieutenant Dan Sayasane  
Lieutenant Tristan Schmottlach

- 
- I. CALL TO ORDER/WELCOME: Acting Chair Doug Case called the meeting to order at 6:01pm.
  - II. ROLL CALL: Interim Executive Director Sharmaine Moseley conducted the roll call.
  - III. PURPOSE OF THE COMMISSION ON POLICE PRACTICES (CPP): Acting Chair Doug Case explained that the purpose of the Commission on Police Practices (CPP) is to provide an independent investigation of officer-involved shootings, in-custody deaths, and an unbiased evaluation of all complaints against the police department and its personnel in a process that will be transparent and accountable to the community. The Commission will also evaluate the review of all SDPD policies,

practices, trainings, and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

IV. APPROVAL OF REGULAR MEETING MINUTES FROM FEBRUARY 28, 2023

A. CPP Regular Meeting Minutes from February 28, 2023 (DRAFT)

**Motion:** Commissioner Nancy Vaughn moved for the Commission to approve the CPP Regular Meeting Minutes of February 28, 2023. Commissioner Andrea Dauber-Griffin seconded the motion. The motion passed with a vote of 7-0-0.

**Yays:** Acting Chair Case, Commissioner Clark, Commissioner Dauber-Griffin, Commissioner Dent, Commissioner Hsieh, Commissioner Smith, and Commissioner Vaughn

**Nays:** None

**Abstained:** None

**Absent/Excused:** Chair Brandon Hilpert, 2nd Vice Chair Kevin Herington, and Commissioner Pink

V. PUBLIC COMMENT: No public comment received.

VI. CLOSED SESSION (Not Open to the Public)

A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Discussion & Consideration of Complaints & Reports: Pursuant to Government Code Section 54957 to discuss complaints, charges, investigations, and discipline (unless the employee requests an open public session) involving San Diego Police Department employees, and information deemed confidential under Penal Code Sections 832.5-832.8 and Evidence Code Section 1040.

Reportable actions for the Closed Session items on the agenda will be posted on the Commission's website at [www.sandiego.gov/cpp](http://www.sandiego.gov/cpp) or stated at the beginning of the Open Session meeting if the meeting is held on the same day.

- |       |   |
|-------|---|
| I.    | San Diego Police Department Feedback on Case Specific Matters   |
| II.   | Shooting Review Board Reports (2)   |
| III.  | Category II Case Audit Reports (0)  |
| IV.   | Discipline Reports (13)   |
| V.    | Case Review Team Reports (10)   |
| VI.   | Case-Specific Recommendations to the Mayor/Chief (0)  |
| VII.  | Referrals to other governmental agencies authorized to investigate activities of a law enforcement agency (0) |
| VIII. | Legal Opinion(s) Request & Response (0)   |

VII. REPORT OUT FROM CLOSED SESSION (7:59pm): Outside Counsel Duane Bennett stated that there was no reportable action from the Closed Session.

VIII. ADJOURNMENT: The meeting adjourned at 8:00pm.